

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XEROX CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 10-136-LPS-MPT
)	
GOOGLE INC. and YAHOO! INC.,)	
)	
Defendants.)	

NOTICE OF DEPOSITION

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure and District of Delaware Local Rule 30.1, Plaintiff Xerox Corporation (“Xerox”), by and through its attorneys, will take the deposition upon oral examination of the person or persons designated by Google Inc. (“Google”) to testify to information known or reasonably available to them regarding the matters described in Schedule A hereto. The deposition will commence on August 10, 2011, beginning at 9:00 a.m., or on a date and at a time to be mutually agreed upon by counsel, and continue from day to day until completed. The deposition will be held at the offices of Quinn, Emanuel, Urquhart and Sullivan, LLP, 555 Twin Dolphin Drive, Redwood Shores, California. The testimony will take place before an officer duly authorized by law to administer oaths and record testimony, and the testimony will be recorded by stenographic means and will be videotaped. The testimony obtained pursuant to this Notice may be used for any and all purposes authorized under the Federal Rules of Civil Procedure, and Xerox reserves the right to depose any witnesses designated by Google at any subsequent point in the litigation on other topics.

ASHBY & GEDDES,

/s/ Lauren E. Maguire

Lawrence C. Ashby (I.D. #468)
John G. Day (I.D. #2403)
Lauren E. Maguire (I.D. #4261)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
lashby@ashby-geddes.com
jday@ashby-geddes.com
lmaguire@ashby-geddes.com

Attorneys for Plaintiff Xerox Corporation

Of Counsel:

Richard J. Stark
Andrei Harasymiak
CRAVATH, SWAINE & MOORE LLP
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019-7475
(212) 474-1000

Dated: July 29, 2011

SCHEDULE A

Definitions

Xerox incorporates by reference the Definitions used in Xerox's First Set of Requests for the Production of Documents and Things, served on Google on April 23, 2010, as if they were set forth fully herein.

Deposition Topics

1. The basis for Google's assertions in its declaratory judgment counterclaims that U.S. Patent 6,778,979 ("979 Patent") is not infringed and/or is invalid and/or is unenforceable, including without limitation:

(a) any and all searches, analyses, investigations or opinions undertaken or developed by Google prior to the filing of those counterclaims concerning Xerox's claims that Google has infringed U.S. Patent 6,778,979, including the results of each such search, analysis, investigation or development of opinion; the dates each such search, analysis, investigation or development of opinion was undertaken; the identification and role of each person involved in each such search, analysis, investigation or development of opinion; and the identification of all documents relating to each such search, analysis, investigation or opinion;

(b) any and all searches, analyses, investigations or opinions undertaken or developed by Google prior to the filing of those counterclaims concerning the validity of U.S. Patent 6,778,979, including the results of each such search, analysis, investigation or development of opinion; the dates each such search, analysis, investigation or development of opinion was undertaken; the identification and role of each person involved in each such search, analysis, investigation or development of opinion; and the identification of all documents relating to each such search, analysis, investigation or opinion; and

(c) any and all searches, analyses, investigations or opinions undertaken or developed by Google prior to the filing of those counterclaims concerning the enforceability of U.S. Patent 6,778,979, including the results of each such search, analysis, investigation or development of opinion; the dates each such search, analysis, investigation or development of opinion was undertaken; the identification and role of each person involved in each such search, analysis, investigation or development of opinion; and the identification of all documents relating to each such search, analysis, investigation or opinion.

2. The date on which Google first anticipated litigation with Xerox concerning U.S. Patent 6,778,979 and the circumstances surrounding such anticipation of litigation, including identification of all relevant documents (by Bates number) and persons with knowledge.